

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

YRC FREIGHT,	:	CIVIL ACTION NO. 1:18-CV-1202
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JOE DARRAH, INC.,	:	
d/b/a J&K SALVAGE,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 24th day of June, 2020, upon consideration of the report (Doc. 70) of Magistrate Judge William I. Arbuckle filed May 12, 2020, pursuant to 28 U.S.C. § 636(b)(1)(B), wherein Judge Arbuckle finds that the parties entered into a settlement agreement on August 15, 2019, in which defendant agreed to pay \$115,000.00 to plaintiff no later than September 19, 2019; that defendant admitted, through its representative, at a November 21, 2019 show-cause hearing that it had entered into the settlement agreement and had not yet paid; that defendant agreed to pay the amount due in two installments by January 31, 2020, with attorney's fees and interest to be imposed if the amount due was not timely paid; that defendant further agreed to entry of judgment against it if the settlement was not completed; and that, according to a letter filed by plaintiff's counsel, defendant did not make the promised installment payments in December 2019 and January 2020, (see Doc. 70 at 4 ¶¶ 1-6), and wherein Judge Arbuckle thus recommends that the court enter judgment against defendant and in favor of plaintiff, (see id. at 5), and it appearing that plaintiff has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the

court noting that the failure of a party to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford "reasoned consideration" to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to "satisfy itself that there is no clear error on the face of the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court being fully in agreement with Judge Arbuckle's analysis and recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 70) of Magistrate Judge Arbuckle is ADOPTED.
2. The Clerk of Court shall enter judgment in favor of plaintiff and against defendant in the amount of \$115,000.00 plus \$5,200.00 in reimbursement of attorney's fees and costs. The judgment shall accrue 6.00% annual interest from September 19, 2019, until paid in full.
3. Plaintiff may file and serve further applications, if necessary, for reimbursement of additional attorney's fees and costs incurred to enforce the judgment. Such future applications are subject to review and approval of the court.
4. Plaintiff shall serve a copy of the judgment on counsel for defendant within 10 days of entry thereof on the docket.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania